

APPENDIX A

SEP 13 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: RICHTER, Virginia Pact, et al.

Application No.: 09/940,309

Date Filed: August 27, 2001

Title: TREATMENT OF
MOVEMENT DISORDERS BY
ADMINISTRATION OF 5-
HYDROXYTRYPTAMINE
RECEPTOR/ α_2 ADRENERGIC
RECEPTOR ANTAGONIST
COMPOSITIONS

Docket No.: 4164-101 CON

Examiner: SPIVACK, Phyllis
G.

Art Group: 1614

Confirm. No.: 5504

Customer No.:

23448

FACSIMILE TRANSMISSION CERTIFICATE

I hereby certify that I am filing this document in the United States Patent and Trademark Office on September 8, 2005, addressed to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, and transmitted to USPTO Central Facsimile Number (571) 273-8300 on such date.

Steven J. Hultquist

PAGES TRANSMITTED: 6

FAXED8 September 2005AMENDMENT RESPONDING TO JUNE 8, 2005 OFFICE COMMUNICATION
IN UNITED STATES PATENT APPLICATION NO. 09/940,309

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the June 8, 2005 Office Communication in the above-identified application.

Please amend the claims as set forth in the following Section I ("Amendment of the Claims") hereof.

Remarks addressing the substance of the June 8, 2005 Office Communication and are set out in Section II ("Remarks") hereof.

Section L (Amendment of the Claims)

Please amend claim 46, as set out in the following listing of claims 1-59 of the application.

Claims 1-45 (Cancelled)

46. (Currently amended) A method of combating Parkinson's disease-related movement disorder in a patient experiencing or susceptible to same who is being treated with dopaminergic medication, anticonvulsant medication or antianxiolytic medication, said method comprising administering to the patient an effective amount of mirtazapine.

47. (Previously presented) The method of claim 46, wherein said patient is being treated with dopaminergic medication.

48. (Previously presented) The method of claim 47, wherein said dopaminergic medication comprises a dopa agonist.

49. (Previously presented) The method of claim 47, wherein said dopaminergic medication comprises medication selected from the group consisting of (i) levodopa, (ii) levodopa in combination with carbidopa, and (iii) ropirinoles.

50. (Previously presented) The method of claim 46, wherein said patient is being treated with anticonvulsant medication.

51. (Previously presented) The method of claim 46, wherein said movement disorder comprises bradykinesia.

52. (Previously presented) The method of claim 46, wherein said movement disorder comprises resting tremor.

53. (Previously presented) The method of claim 46, wherein said movement disorder comprises tremor.

54. (Previously presented) The method of claim 46, wherein said movement disorder comprises action tremor.

55. (Previously presented) The method of claim 50, wherein said anticonvulsant medication comprises primidone.

56. (Previously presented) The method of claim 46, wherein said patient is being treated with anxiolytic medication.

57. (Previously presented) The method of claim 56, wherein said anxiolytic medication comprises propranolol.

58. (Previously presented) The method of claim 56, wherein said anxiolytic medication comprises an SSRI.

59. (Previously presented) The method of claim 56, wherein said anxiolytic medication comprises a benzodiazapine.

Section II. (REMARKS)**Amendment of Claims to Comply with Examiner Spivack's Indication of Prospective Favorable Consideration in the June 8, 2005 Official Communication**

This responds to the June 8, 2005 Office Communication in the above-identified application, wherein Examiner Spivak rejected claims 46-59 ("[T]he rejection of record is maintained over new claims 46-59 under 35 U.S.C. 112, first paragraph," but stated that "[F]avorable consideration would be given to claimed subject matter directed to Parkinson's disease following mirtazapine administration."

Consistent with the examiner's indication above-quoted, and her statement that "[T]he claims are inclusive of any movement disorder outside the scope of Parkinson's disease" (page 3, lines 12-13 of the June 8, 2005 Office Communication), claim 46 has been amended herein to specify the previously recited "movement disorder" as "Parkinson's disease-related movement disorder."

All remaining claims 47-59 are dependent either directly or indirectly from claim 46, and likewise embody such limitation.

Accordingly, it is requested that the rejection be withdrawn, since the claims have been amended consistent with the examiner's indication of subject matter that would be accorded "[F]avorable consideration."

Inasmuch as claims 1-45 have been cancelled in the March 28, 2005 Amendment¹, claims 46-59 now pending in the application as the only claims thereof, are in form and condition for allowance. Favorable action therefore is merited, and respectfully requested.

¹ Such cancellation of claims 1-45 was made with the reservation of the right to file a further application directed to subject matter of such claims, during the pendency of the present application or during the pendency of a further continuing or divisional application based on and claiming the priority of the instant application; corresponding reservation is likewise made of the right of further filing directed to the subject matter of the examples in the specification that relate to amelioration of non-Parkinson's disease movement disorders, e.g., action tremor.

Respectfully submitted,



Steven J. Hultquist
Reg. No. 28,021
Attorney for Applicants

**INTELLECTUAL PROPERTY/
TECHNOLOGY LAW**
Phone: (919) 419-9350
Fax: (919) 419-9354
Attorney File No.: 4164-101 CON